

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 ACDA-07 AGRE-00 AID-05 CEA-01 CEQ-01  
CG-00 CIAE-00 CIEP-01 COME-00 DLOS-06 DODE-00 DOTE-00  
EB-08 EPA-01 ERDA-05 FEAE-00 FMC-01 TRSE-00 H-01  
INR-07 INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05  
NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15  
USIA-06 SAL-01 /121 W  
-----241237 026811 /10

P R 241214Z FEB 77  
FM AMEMBASSY BONN  
TO SECSTATE WASHDC PRIORITY 5867  
INFO USMISSION EC BRUSSELS PRIORITY  
USMISSION NATO BRUSSELS  
USMISSION USBERLIN  
AMEMBASSY BERLIN  
AMEMBASSY LONDON  
AMEMBASSY MOSCOW  
AMEMBASSY PARIS  
AMEMBASSY WARSAW

C O N F I D E N T I A L SECTION 01 OF 03 BONN 03324

E.O. 11652: GDS  
TAGS: PFOR PGOV EEC WB UR PO GW US UK FR  
SUBJECT: INCLUSION OF BERLIN IN EC/SOVIET FISHERIES  
AGREEMENT

REFS: (A) BONN 3207 (NOTAL): (B) EC BRUSSELS 1061;  
(C) STATE 37507 (NOTAL)

BEGIN SUMMARY. THE BONN GROUP APPEARED TO BE NO CLOSER  
TO RESOLUTION OF THE ISSUE OF HOW TO ACHIEVE THE  
INCLUSION OF BERLIN IN THE EC/SOVIET FISHERIES  
AGREEMENT, AFTER FURTHER DISCUSSION ON FEBRUARY 23.  
ONLY THE BRITISH REP HAD RECEIVED FRESH INSTRUCTIONS,  
AND THOSE REAFFIRMED THE EARLIER UK POSITION. THE  
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FRG REP WAS STILL BOUND BY INSTRUCTIONS INSISTING ON  
AN APPROACH WHICH WOULD MAKE IT UNAMBIGUOUS THAT  
BERLIN WAS INCLUDED IN THE AGREEMENT. END SUMMARY.

1. THE BONN GROUP DISCUSSION OF FEBRUARY 23 ON  
PROCEDURES FOR ASSURING THAT THE EC/SOVIET FISHERIES  
AGREEMENT COVERS BERLIN WAS LARGELY A REPEAT OF THE

PREVIOUS DAY'S DISCUSSION (REF A). ONLY THE BRITISH REP HAD FRESH INSTRUCTIONS, AND THESE WERE BASICALLY A REAFFIRMATION OF LONDON'S PREVIOUS VIEWS ON THE SUBJECT.

2. UK REP (CARTER) STATED THAT HE HAD REPORTED THE FEBRUARY 22 BONN GROUP DISCUSSION FULLY TO LONDON AND THAT THE FCO HAD RESPONDED THAT HE SHOULD CONTINUE TO ARGUE IN FAVOR OF THE THREE OPTIONS PREVIOUSLY PRESENTED, ESPECIALLY THE FIRST ONE -- I.E., THAT THE "AREA OF APPLICATION" CLAUSE SHOULD BE ALLOWED TO SPEAK FOR ITSELF (PARA 5.A, REF A). CARTER'S NEW INSTRUCTIONS CONTAINED THE FOLLOWING ADDITIONAL POINTS:

-- THE FCO WAS NOT CONVINCED BY THE GERMAN ARGUMENTS THAT TAKING ALL THREE STEPS ADVOCATED BY THE FRG WOULD MAKE IT EASIER FOR THE SOVIETS TO ACCEPT THE INCLUSION OF BERLIN THAN THE FIRST STEP (THE AREA OF APPLICATION CLAUSE) ALONE.

-- LONDON THOUGHT THE SOVIETS WOULD BE UNLIKELY TO MAKE THE DISTINCTIONS SUGGESTED BY THE FRG BETWEEN THE AREA OF APPLICATION CLAUSE AND THE ADDITIONAL INTERPRETATIVE STATEMENT. ON THE CONTRARY, THE LATTER EXPANDED THE FORMER AND MADE IT MORE PRECISE AND COULD THUS BE EVEN MORE OBJECTIONABLE TO THE SOVIETS.

-- IT SEEMED TO LONDON THAT THE THREE-STAGE  
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APPROACH WOULD MAKE IT IMPOSSIBLE FOR THE SOVIETS TO ACCEPT WITHOUT A MAJOR SURRENDER OF PRINCIPLE WHICH WOULD BE HUMILIATING FOR THEM. THIS THEY WOULD BE UNLIKELY TO DO.

-- IF ON THE OTHER HAND THE SOVIETS COULD BE BROUGHT TO ACCEPT THE AREA OF APPLICATION CLAUSE, THIS WOULD BE A MAJOR NEGOTIATING ACHIEVEMENT IN ITSELF. WE COULD BUILD ON THIS ACHIEVEMENT IN FUTURE NEGOTIATIONS WITH THE EAST.

3. THE US AND FRENCH REPS REPORTED THAT THEY HAD NO NEW INSTRUCTIONS. HENZE (FRG) REPORTED THAT HE ALSO WAS UNDER THE SAME INSTRUCTIONS AS BEFORE. HE REITERATED HIS DISAGREEMENT WITH THE VIEW OF LONDON (AND THE DEPARTMENT) THAT ARTICLE 9 IN ITSELF WOULD BE ADEQUATE TO ASSURE THE COVERAGE OF BERLIN, SINCE THE SOVIETS HAD ALWAYS SAID THAT THE EC TREATIES WERE NOT "APPLICABLE" IN BERLIN.

4. AFTER A REHASH OF THE PROS AND CONS OF AN INTERPRETATIVE STATEMENT HAD REACHED THE POINT OF IMPASSE, CARTER SAID HE WISHED TO STRESS LONDON'S WILLINGNESS TO SEARCH FOR A COMPROMISE. HE ASKED WHETHER HENZE HAD SIMILAR

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NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15  
USIA-06 SAL-01 /121 W  
-----241237 026818 /10

P R 241214Z FEB 77  
FM AMEMBASSY BONN  
TO SECSTATE WASHDC PRIORITY 5868  
INFO USMISSION EC BRUSSELS PRIORITY  
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FLEXIBILITY. HENZE RESPONDED NEGATIVELY, STATING THAT HE WAS BOUND BY HIS INSTRUCTIONS. HE WOULD SIMPLY HAVE TO REPORT ONCE MORE TO GENSCHER AND SUGGESTED ANOTHER BONN GROUP MEETING FEBRUARY 24.

5. CARTER REQUESTED CONFIRMATION OF HIS UNDERSTANDING ON ONE POINT: IF THE EC NEGOTIATOR WERE TO INFORM THE SOVIETS THAT ARTICLE 9 REFERRED TO BERLIN AND THE SOVIETS, RATHER THAN ACCEPTING THIS IN SILENCE WERE TO RESPOND, "OUR POSITION ON THAT IS WELL KNOWN," WOULD THAT BE ACCEPTABLE TO THE FRG? HENZE RESPONDED THAT HE

DID NOT HAVE A POSITION ON THAT QUESTION, WHICH WOULD  
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HAVE TO BE CONSIDERED BY GENSCHER.

6. THE US REP VENTURED TO SUMMARIZE THE POSITIONS OF THE  
FOUR AS FOLLOWS:

-- THE FRG STILL INSISTS ON A THREE-STAGE APPROACH:  
ARTICLE 9, AN ORAL INTERPRETATIVE STATEMENT, PLUS AN  
INFORMAL ORAL CLARIFICATION THAT THOSE TWO FORMULATIONS  
REFER TO BERLIN.

-- THE FRENCH OPPOSE THE SECOND STAGE BUT ARE  
WILLING TO CONSIDER USE OF THE FIRST AND THE THIRD.

-- THE BRITISH, WHILE PREFERING THE FIRST STAGE  
ALONE, ARE ALSO WILLING TO CONSIDER THE USE OF STAGES  
ONE AND THREE DESPITE THEIR MISGIVINGS AS TO WHAT THE  
SOVIET REACTION WOULD BE.

-- THE US ADHERES TO THE PRINCIPLE THAT THE  
AGREEMENT MUST COVER BERLIN AND BELIEVES THAT THE  
AREA OF APPLICATION CLAUSE WOULD BE SUFFICIENT FOR THAT  
PURPOSE. WHETHER ADDITIONAL STEPS MIGHT BE TAKEN TO  
THAT END IS BASICALLY A QUESTION OF NEGOTIATING  
TACTICS ON WHICH THE US HAS TAKEN NO POSITION  
PENDING FULLER INFORMATION ON THE NEGOTIATING  
SITUATION.

-- THE ISSUE AT THE MOMENT WOULD THUS SEEM TO BOIL  
DOWN TO WHETHER THE FRG WOULD BE WILLING TO DROP ITS  
INSISTENCE ON THE SECOND-STAGE INTERPRETATIVE  
STATEMENT.

7. THE OTHER THREE REPS ACCEPTED THE ABOVE AS  
A FAIR SUMMARY.

8. THERE WAS ALSO BRIEF DISCUSSION OF THE PENDING  
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NEGOTIATIONS WITH THE POLES. HENZE HAD REPORTED THE  
PREVIOUS DAY THAT THE COMMISSION HAD WANTED TO GIVE  
THE ENTIRE DRAFT TREATY TO THE POLISH DELEGATION,  
DESPITE THE FACT THAT ONLY PORTIONS OF IT HAD BEEN  
GIVEN TO THE SOVIETS. THE FRG HAD OPPOSED THIS UNTIL

THE BERLIN ISSUE WAS RESOLVED, AND BOISSIEU AND CARTER STATED ON FEBRUARY 23 THAT THEIR DELEGATIONS IN BRUSSELS HAD BEEN INSTRUCTED TO SUPPORT THE FRG IN THIS. DESPITE THIS, ACCORDING TO HENZE, THE COMMISSION HAD AGAIN COME TO THE GERMAN DELEGATION IN THE EARLY AFTERNOON OF FEBRUARY 23 TO INSIST THAT THE ENTIRE DRAFT SHOULD BE GIVEN TO THE POLES. CARTER AND BOISSIEU SAID THEY WOULD AGAIN COMMUNICATE WITH THEIR CAPITALS AND WITH BRUSSELS ON THE PROBLEM.

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9. WHILE NOT SPECIFICALLY RELATED TO THE FISHERIES NEGOTIATIONS, BOISSIEU AT THE END OF THE DISCUSSION REVIVED AN IDEA HE HAD LAUNCHED OVER A YEAR AGO. HE SUGGESTED THAT THERE SHOULD BE SOMETHING IN THE NATURE OF A SUB-BONN GROUP IN BRUSSELS, IN WHICH OFFICIALS

OF THE BRITISH, FRENCH AND GERMAN MISSIONS, AS WELL AS  
USEC, SHOULD MEET FROM TIME TO TIME WITH SYMPATHETIC  
OFFICIALS FROM THE COMMISSION TO CONSIDER THE BERLIN  
IMPLICATIONS OF FORTHCOMING EC ACTIVITIES. THE  
OBJECTIVE WOULD BE TO PERMIT THE FOUR GOVERNMENTS TO  
ANTICIPATE BERLIN PROBLEMS, IN ORDER TO  
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BE ABLE TO DEVOTE MORE ADVANCED PLANNING TO PROBLEMS  
SUCH AS THE PRESENT ONE. IT WAS OBVIOUS, HE  
COMMENTED, THAT THERE HAD BEEN CONSIDERABLE ADVANCE  
WORK ON THE DRAFT FISHERIES TREATY, ALTHOUGH IT DID  
NOT COME TO THE ATTENTION OF OFFICIALS IN BONN, LONDON  
OR PARIS WHO WERE KNOWLEDGEABLE ON BERLIN MATTERS  
UNTIL THE OPENING ROUND OF THE NEGOTIATIONS.

10. US REP COMMENTED IN THIS CONNECTION THAT IT WOULD  
NOT BE PREMATURE TO DISCUSS AT THE NEXT BONN GROUP  
MEETING WHAT WOULD HAPPEN IF THE SOVIETS EXPRESSLY  
STATED THAT THEY DO NOT AGREE WITH THE APPLICATION OF  
THE TREATY TO BERLIN OR, AS ALSO SEEMED LIKELY, THAT  
THE EC NEGOTIATOR HAD NO COMPETENCE TO SPEAK FOR  
BERLIN. BOISSIEU AGREED THAT SUCH A DISCUSSION WOULD  
BE DESIRABLE. HENZE AND CARTER DID NOT COMMENT.  
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## Message Attributes

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